

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

2015 SEP -3 PM 4: 02

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U.S. DIST. OF GA.

MC115-0006

IN THE MATTER OF:

VICTOR HAWK and
MELISSA DETCHEMENDY

*
* MISC. NO. _____
* UNDER SEAL
*

SEALED ORDER
AND
RULE NISI

This Court has conducted and concluded criminal proceedings against a defendant now serving a sentence of imprisonment imposed on June 12, 2015, in the case of United States v. Richard Lee Owen, Case Number CR113-117. Mr. Owen entered a guilty plea to one count of bank fraud and one count of money laundering in the middle of the Government's case in chief during a jury trial on a 253-count indictment. Upon the evidence adduced at trial and materials gathered by the Court in preparation for the trial and sentencing, plus the submissions made by an auditor appointed by the Court to ascertain a more correct method of restitution for Owen's victims, it has become clear to the presiding judge that Owen was enabled to embezzle and steal \$594,000.00 or more because of his position as "paralegal" and virtual "office manager" at the Victor Hawk Law Firm (VHLF), which is operated at Augusta, Georgia and other locations by the attorneys named in the

caption hereof. Both Mr. Hawk and Ms. Detchemendy are members of the Bar of the Southern District of Georgia and both have appeared professionally in various proceedings before the Court from time to time. Indeed, Mr. Hawk and the presiding judge have enjoyed a cordial professional relationship extending over three decades. Thus, this matter is approached with great reluctance after careful thought.

It appears to the presiding judge that Owen's chicanery and criminal enterprise was a calculated, clever manifestation of a lifetime of cheating, swindling, and deceit. While there is no suggestion of the complicity of either of the named attorneys with Mr. Owen in the conduct of his criminal activities, some harsh facts remain and are established beyond cavil.

Mr. Hawk employed Mr. Owen and Ms. Detchemendy worked with him closely over a three year period, during which term Owen was increasingly vested with extensive authority within VHLF. Mr. Owen was observed and known to be abusive to clients. He was an intimidating presence to some unsophisticated client-victims who had entrusted their business affairs and claims to VHLF. The lawyers and their firm were at all times embedded in a fiduciary relationship with the clients.

Nowhere is the fiduciary obligation of an attorney at law more rigidly established than in the maintenance and

scrupulous separateness of the law firm's **trust account**. In the case of Mr. Owen, these attorneys essentially abdicated their responsibility for the oversight, maintenance, and separate structure of the trust account. Through signature stamps and otherwise the lawyers relinquished control to their "paralegal," Mr. Owen. He became, in essence and in practice, an office manager with wide authority.

As catalogued in the Court's Order of September 2, 2015, the harsh and shocking reality of Mr. Owen's clever and criminal course of conduct resulted in many claims being settled on behalf of unsophisticated, pitiable laymen who were deprived of even the fraction to which they were entitled. Further, these unsophisticated lay claimants are still potentially subject to demands and lawsuits from medical care providers.

While the captioned attorneys are suspected of no criminal intent or complicity, a certain level of negligence or even deliberate indifference is apparent. What Mr. Hawk and Ms. Detchemendy might have known or should have known under the circumstances could only be developed after an evidentiary hearing. What is known is that the captioned attorneys placed and tolerated Mr. Owen in a position to do the damage Owen did to VHLF and its clients. That VHLF's fees were characteristically paid in full while innocent client-victims and medical providers remain unpaid is all the more

intolerable.

The complexity of winnowing through the potential claims of medical providers whose putative funds were the most subject to Mr. Owen's predations, is a complex, demanding, and expensive undertaking. However, the identity of client-victims and a fair assessment of the amounts owed to them is not so daunting. Unfortunately, the presiding judge has heard protestations of innocence and good intentions but has received no information that these lawyers have undertaken any measures or actions to compensate their hapless clients despite such an obvious obligation.

The captioned lawyers and VHLF were the principals of their undoubted agent, Mr. Owen. Mr. Owen was employed specifically and by course of conduct to act as their agent with full access and authority to the VHLF's mail and bank accounts. The lawyers and VHLF had a fiduciary obligation, that of attorney and client, and an even heightened responsibility with respect to their trust account with the individual client-victims.

Upon the foregoing, the presiding judge is unable to ignore the circumstances of this case which indicate that the captioned attorneys may not be fit to practice before this United States District Court. Such a determination will require further evidence and inquiry. Accordingly, **IT IS HEREBY ORDERED** that the captioned attorneys and the Victor

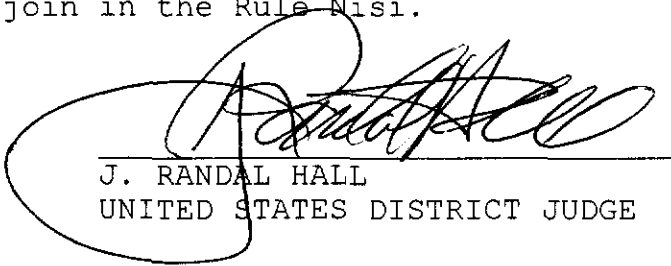
Hawk Law Firm shall be and appear before this Court, with counsel if desired, on the 20th day of October, 2015, at 10 O'clock A.M., in Courtroom 2, United States Courthouse at Augusta Federal Justice Center, to show cause, if any they can, why they should not individually and corporately be suspended, disbarred, sanctioned, or otherwise disciplined in connection with the circumstances stated and announced herein.

(See Local Rule 83.7, SDGa.) **IT IS FURTHER ORDERED** that this Order and all other associated filings which may follow shall be **SEALED** by the Clerk, unless and until disclosure is authorized by an Article III judge of this Court.

ORDER ENTERED at Augusta, Georgia this 3rd day of September, 2015.


DUDLEY H. BOWEN, JR.
UNITED STATES DISTRICT JUDGE

Upon the above stated findings of the Honorable Dudley H. Bowen, Jr., I concur and join in the Rule Nisi.


J. RANDAL HALL
UNITED STATES DISTRICT JUDGE